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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,998	10/11/2000	Alexander C. Loui	75063BTHC	5225

1333 7590 10/05/2004

PATENT LEGAL STAFF
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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/685,998	LOUI ET AL.	
	Examiner	Art Unit	
	Heather R Long	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings were received on June 21, 2004. These drawings are acceptable.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusewitz et al. (U.S. Patent 6,038,257).

Regarding claim 1, Brusewitz et al. discloses a method for simultaneously recording motion and still images, comprising the steps of: capturing a motion image sequence with a digital video camera adapted to record both low resolution motion image sequences and high resolution still images (col. 5, lines 32-35; Fig. 2); simultaneously capturing a still image sequence having full resolution images and lower frame rate than the motion capture sequence (col. 5, lines 32-35; Fig. 2); compressing the motion image sequence using interframe compression and storing the compressed motion image sequences (Fig. 2, steps 68-72; encoding the

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low resolution image); and compressing the still images using intraframe coding and storing the compressed still image data (Fig. 2, steps 62-66; encoding the high resolution image). However, Brusewitz et al. fails to disclose accompanying audio of the scene while capturing a motion image sequence. Official Notice is taken that both the concept and advantages of accompanying audio of a scene while capturing a motion image sequence are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to accompany the motion image sequence with audio in order to provide a viewer the chance to hear what was going on and not just see what happened.

5. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brusewitz (U.S. Patent 6,038,257) in view of Yamagishi 6,104,752 (U.S. Patent 6,104,752).

Regarding claim 2, Brusewitz et al. discloses a digital/still camera comprising: an image sensor for providing a sequence of image frames (col. 2, lines 57-63); means for automatically providing a repeating sequence of full resolution image frames regularly interspersed between reduced resolution image frames, wherein the full resolution image frames represent images with more pixels than are represented by the reduced resolution image frames (as can be seen from the flowchart in Fig. 2); and a recorder for storing a repeating sequence of full and reduced resolution frames of pixel values (26 in Fig. 1). However, Brusewitz et al. fails to disclose a first image buffer for storing at least one full resolution frame of

pixel values and a second image buffer for storing a plurality of reduced resolution frames of pixel values.

Referring to the Yamagishi reference, Yamagishi discloses an MPEG system that comprises a first image buffer for storing at least one full resolution frame of pixel values, and a second image buffer for storing a plurality of reduced resolution frames of pixel values (col. 7, lines 11-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Yamagishi with Brusewitz et al. in order to provide buffers before the digital recorder for controlling the recording of the compressed image data.

Regarding claim 3, Brusewitz et al. discloses a digital motion/still camera, wherein the repeating sequence has a single full resolution frame followed by a plurality of low resolution images (as can be seen from the flowchart in Fig. 2).

Regarding claim 4, Brusewitz et al. discloses a digital motion/still camera, wherein the full resolution image is stored using a low resolution component stored as part of a motion sequence, and a full resolution component (Fig. 2, steps 54-66).

Regarding claim 5, Brusewitz et al. discloses a digital motion/still camera, wherein the apparatus further includes a processor (18) coupled to the first image memory, that processes the full resolution frames prior to

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recording, and produces from a full resolution image frame both a low resolution frame and a high resolution image frame (col. 3, lines 47-58).

Regarding claims **6** and **7**, Brusewitz et al. in view of Yamagishi fails to disclose that the processing period for the still image is longer than the capture frame period and that the processor also processes the reduced resolution frames in a processing period that is shorter than the capture frame period. However, Official Notice is taken that both the concept and advantages of the processing period for the still image is longer than the capture frame period and that the processor also processes the reduced resolution frames in a processing period that is shorter than the capture frame period are well known and expected in the art. It would have been obvious that the processing period for the still image is longer than the capture frame period and that the processor also processes the reduced resolution frames in a processing period that is shorter than the capture frame period because it takes longer for the full resolution images to be processed than the low resolution images to be processed.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusewitz et al. in view of Yamagishi as applied to claim 2 above, and further in view of Balakrishnan et al. (U.S. Patent 6,208,691).

Regarding claim **8**, Brusewitz et al. in view of Yamagishi differs from claim 8 in that claim further requires the digital/still camera to

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comprise a control for allowing the operator to set the numbers of full resolution frames to be captured per second.

Referring to the Balakrishnan et al. reference, Balakrishnan et al. discloses a video encoder/decoder system wherein a user can set the number of full resolution frames to be captured per second (col. 11, lines 34-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Balakrishnan et al. with the teachings of Brusewitz et al. in view of Yamagishi to allow the user to select how many still frames they would like in order to preserve the memory.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL
August 25, 2004


TUAN HO
PRIMARY EXAMINER